



League of Michigan Bicyclists

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Joy Brewer, Committee Clerk
Criminal Justice Committee,
Michigan House of Representatives

September 10, 2013

RE: League of Michigan Bicyclists' Support for HB 4792 and HB 4799

Dear Criminal Justice Committee Members:

Modeled after accepted European standards and containing penalties similar to those used in numerous states and communities across the country, this legislation creates enhanced penalties for drivers who injure or kill a vulnerable roadway user, defined as a bicyclist, pedestrian or wheelchair user. The enhanced penalties include community service, driver-improvement education, fines, and jail time. These would only apply if a driver committed a moving violation resulting in the injury or death of a non-motorized user who was following Michigan traffic laws.

In Michigan, similar enhanced penalties already exist for reckless drivers who injure or kill construction workers, children in designated school zones, or operators of slow-moving farm vehicles.

Currently, crashes involving bicyclists legally using public roads often result in minor consequences for careless drivers that injure non-motorized users. Unless a victim can prove that the driver was grossly negligent, he or she usually has limited legal recourse. In fact, blame often gets shifted to victims with statements like "this wouldn't have happened if they weren't in the road." Killing a cyclist rarely even merits court appearances. In practice, Michigan law places little burden on drivers to be alert for non-motorized roadway users. Non-motorists have every right to expect that drivers will safely maneuver around them. Drivers who injure or kill bicyclists and pedestrians deserve to have their driving skills called into question and face stiffer penalties under state law.

A vulnerable roadway user provision would provide law enforcement and prosecutors with an enhanced set of penalties that help fill the gap between basic traffic infractions and more serious crimes.

Michigan currently leads the nation with nearly 90 locally adopted Complete Streets ordinances and resolutions. As communities implement Complete Streets, more and more individuals will choose active transportation, like walking and biking. Improved infrastructure alone, however, does not guarantee safety, as demonstrated by the fact that pedestrian & bicycle fatalities in Michigan equaled 17% of all fatalities in 2012 but only accounted for 1.5% of traffic crashes. Vulnerable roadway user laws recognize that the type of simple negligence or traffic violations that may result in minor collisions between cars can have disproportionately severe results when a vulnerable roadway user is involved.

To remain viable, "Share the Road" principles must have a legal backbone, the foundation of which is stiffer penalties for drivers who fail to safely coexist with other legal roadway users. Recognizing that penalizing drivers after the fact does not alone protect users, we also support parallel efforts to enhance Michigan's driver's education curriculum, helping to prevent these tragedies from happening in the first place.

Sincerely,

John Lindenmayer
Advocacy & Policy Director